



PATENT

Attorney Docket No. 4189.0083-03000

#9  
Day  
4/9/97

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Kohn et al )  
) Group Art Unit: 1808  
Serial No.: 08/259,413 )  
) Examiner: H. Lilling  
Filed: June 14, 1994 )  
)  
For: PEGYLATION OF REAGENTS AND )  
COMPOUNDS FORMED THEREWITH )

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GROUP 1800

Assistant Commissioner for Patents  
BOX DAC  
OFFICE OF PETITIONS  
Washington, D.C. 20231

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OFFICE OF PETITIONS  
A/C PATENTS

Sir:

LETTER CONCERNING DECISION ON PETITION TO REVIVE  
UNINTENTIONALLY ABANDONED PATENT APPLICATION

Applicants received a decision granting the petition under 37 C.F.R. 1.137(b), which was filed on October 23, 1996. That decision was mailed on February 26, 1997. The decision indicated that the statement of unintentional delay in the petition "was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional," but accepted the statement under 37 C.F.R. 10.18.

The decision also stated that if the petitioner "has no knowledge that the delay was in fact unintentional,

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petitioner should make a reasonable inquiry to ascertain that . . . the delay was unintentional." Finally, the decision stated that "[i]f petitioner discovers that the delay was unintentional, petitioner must so notify the Office." (Emphasis added.)

The undersigned wishes to clarify the record concerning the decision's discussion of the statement of unintentional delay in the petition filed on October 23, 1996. In the petition, the undersigned stated that "[t]he attorney at Amgen handling this application, Thomas Zindrick, informed the undersigned that he believed that the undersigned was aware of the Office Action and was handling the response." The undersigned also stated that to his knowledge, "the Office Action was not received in [his] office until after the Notice of Abandonment in this application had been sent."

In view of these facts, the undersigned stated that the application was abandoned unintentionally and that there had been no intentional delay in prosecuting the application. In an abundance of caution, the undersigned discussed this issue again with Thomas Zindrick, and Mr. Zindrick again confirmed that the application was abandoned unintentionally

and that there had been no intentional delay in prosecuting the application.

Thus, if petitioner is under an obligation to confirm that the delay was unintentional as may be required by the decision, this paper confirms that fact.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

M. Paul Barker  
Reg. No. 32,013

Dated: March 7, 1997

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